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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,217	01/12/2004	Judson C. Valeski	NETS0062C	1169
22862	7590	08/10/2005	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			PERSINO, RAYMOND B	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/756,217	VALESKI, JUDSON C.	
	Examiner	Art Unit	
	Raymond B. Persino	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 25-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 25-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 25, 28, 30-38 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by REAMS (US 5,907,793).

Regarding claims 1 and 7, REAMS teaches a method of using a vehicular broadcast-based program selection and ordering system comprising perceiving, timely selecting, sending broadcast program selection to an order fulfillment facility; processing a broadcast program selection in the order fulfillment facility; and perceiving a broadcast program selection confirmation (note col. 1 line 41 - col. 2 line 13, col. 3 lines 36-45, and col. 17 lines 27-42).

Regarding claims 2 and 3, REAMS teaches the method wherein selecting said broadcast program further comprises acoustic signaling and button pushing (note col.2 lines 5-13 and col. lines 38-67).

Regarding claims 4 and 5, REAMS teaches the method wherein perceiving the program selection further comprises hearing (namely, an emergency alert system [EAS])

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message warning and other audible reproduction) and reading (namely, the display of program material) a description of the broadcast program selection (note col.3 lines 1-13 and 46-59, col.4 lines 49-58, and col.10 line 45 - col. 1 line 37).

Regarding claim 6, REAMS further teaches identifying a vehicle owner (col.2 lines 53-65 and col.3 line 63 - col.4 line 3).

Regarding claims 25, REAMS teaches the method as above in re claim 15, and furthermore, RBDS and SCA (including emergency broadcast system [EBS] and emergency alerts [EAS]) that read on the additional limitations recited in these claims. Note col.5 line 28 col. 6 line 49.

Regarding claim 28, REAMS teaches the method as above in re claim 15, and furthermore, wherein the selection and ordering system is implemented in the Receiver Data Processing Unit (RDPU), which reads on a computer program residing in computer readable memory (note col. 7 lines 12-24).

Regarding claim 30, REAMS teaches a radio for receiving a broadcast program data channel and conducting transactions, comprising an embedded controller and receiver unit (as combined in the RDPU), a transceiver (13), and interface circuit (15) with the various features as recited in the instant claims; note Fig. I and col. 5 line 28 - col. 6 line 49.

Regarding claims 31-38 and 40, REAMS teaches the receiver for receiving a broadcast program data channel and conducting transactions as above in re claim 30, comprising various circuit elements that further reads on the additional limitations

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presented in these claims (namely, input ports [26 & 29]); note Fig. 1, col.5 line 28 – col. 6 line 49 and col. 10 line 43 - col. 13 line 30.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over REAMS (US 5,907,793 A) in view of DUNN et al (US 6,078,807 A).

Regarding claims 8 and 9, see the rejection this claim is dependant upon regarding the subject matter this claim is dependant upon. REAMS teaches the selection and ordering system further comprising a built-in authentication and security system, and a telephone used for authentication and security (col.2 lines 53-65 and col.3 line 63 - col.4 line 3), which implies in the method further identifying a vehicle owner. However REAMS does not actually teach speaking or initializing a spoken owner identity signature sequence. However, DUNN et al discloses speaking and initializing an owner identity signature sequence (column 4 line 46 to column 5 line 42). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to speaking and initializing an owner identity signature sequence. Using a spoken owner identity signature instead of a password provides for

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hands free use thus increasing the functionality of the selection and ordering system and eliminates the need for the keypad that saves space.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over REAMS (US 5,907,793) in view of an examiner's official notice evidenced by BORRAS (US 4,843,385 A).

Regarding claims 10 and 11, REAMS teaches a method of using a vehicular radio-based program selection and ordering system as recited in claims 1 and 7, comprising the built-in telephone authentication and security system and push-button responses, but fails to teach further wherein identifying the vehicle owner comprises initializing an owner identifying gesture. However, the examiner takes official notice that it was well known in the art at the time of the invention for registration (initializing) of a telephone in a radio communication system to be done by providing authentication and security, and furthermore, registration to be performed upon turning ON the telephone unit by a gesture (push-button) means exemplarily. For example, BORRAS (US 4,843,385 A) teaches initializing and pushing an owner identifying button sequence (column 15 line 10 to column 16 line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for identifying the vehicle owner to further comprise pushing and initializing an owner identifying button sequence, so as to prevent fraudulent misuse of the system and improper billing by users posing as some other user while attempting to select and order for radio programs.

6. Claims 29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over REAMS (US 5,907,793) in view of an examiner's official notice.

Regarding claim 29, REAMS teaches a method of controlling a vehicular broadcast-based program selection and ordering system as recited in claim 28, but fails to teach that the storage medium (computer readable memory) is removable. However, the examiner takes official notice that it was well known in the art at the time of the invention for computer processor units to be coupled with not just internal memory (RAM and ROM) but also removable storage disk drives and media (namely, floppy/magnetic diskettes). It would have been obvious to one of ordinary skill in the art at the time of the invention for the computer memory as taught in REAMS to further reside in a removable storage device, so that a user may easily transport the computer program to other communications devices of his/her choice to perform transactions conveniently and expeditiously.

Regarding claim 41, REAMS teaches a receiver, where the receiving radio in one embodiment is a portable radio communications device (note col.3 line 60 - col.4 line 3). REAMS fails to explicitly teach a bi-directional pager. However, the examiner takes official notice that it was well known in the art at the time of the invention that a bi-directional pager is a radio communications device, albeit a pager that provides the user with various data subscription services (e.g., streaming stock quotes, weather etc.) in the modern era of communications. It would have been obvious to one of ordinary skill in the art at the time of the invention for the radio communications device as taught by REAMS to furthermore be a pager, since this provides yet another embodiment whereby a user is afforded the opportunity to take advantage of conducting transactions in a modern mobile communications application.

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7. Claims 12-14, 26, 27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over REAMS in view of MASS et al (WO 99/08238).

Regarding claims 12-14, REAMS teaches a method of using a vehicular broadcast-based program selection and ordering system as recited in claim 7, but fails to teach identifying the owner further comprising using a biometric identification measuring device. However, MAES teaches a portable information and transaction processing system with wireless communication means (50) so as to read on a radio communications device, capable of making selection and ordering transactions in a mobile (including, but not limited to, vehicular) environment, wherein the owner is identified by a biometric sensor (40), which reads on a fingerprint scanner, in order to complete a transaction (note Figs. 1&5 and page 2 lines 42-45, page 4 lines 13-17, page 6 lines 24-26 and page 7 line 17 - page 8 line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention for the method as taught by REAMS to further include the fingerprint scanner as taught by MAES, since this provides a convenient and compact way to identify a user of a portable (which includes vehicular-based) radio communications device so as to prevent reception or transmission by unauthorized users.

Further regarding claims 26, 27 and 39, REAMS teaches the method of controlling a vehicular broadcast-based program selection and ordering system as above in re claim 25, but fails to teach a first user signature used in initializing a usage session. However, MAES teaches digital certificates that read on user signature, used for initializing a session (note page 3 lines 8-13 and page 4 lines 19-44). MAES is

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combined with REAMS given the same reasoning as before. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention for a sending a device stolen report, since this report mechanism is an appropriate embodiment for obtaining information necessary to administer remote authorization, as suggested by MAES and REAMS.

8. Claims 12-14, 26, 27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over REAMS as applied to claims 7 and 25 above, and further in view of SCHMIT et al (US 6,088,585 A).

Regarding claims 12-14, REAMS the method of using a vehicular radio-based program selection and ordering system as recited in claim 7, but fails to teach identifying the owner further comprising biometric identification measuring device. However, SCHMITT teaches a fingerprint scanner used by a portable radio communications device that is able to identify the owner (note col.3 line 13 col.4 line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention for the method as taught by REAMS to further include the fingerprint scanner as taught by SCHMITT, since this provides a convenient and compact way to identify a user of a portable (which includes vehicular-based) radio communications device so as to prevent reception or transmission by unauthorized users.

Regarding claims 26, 27 and 39, REAMS teaches the method of controlling a vehicular broadcast-based program selection and ordering system as above in re claim 25, but fails to teach a first user signature used in initializing a usage session. However, SCHMITT does disclose a fingerprint, obtained by a fingerprint scanner comprised in

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the device, being a user signature used for security measures, wherein access to using the device is blocked as a result of a nonmatch (note SCHMITT: col.3 lines 25-39).

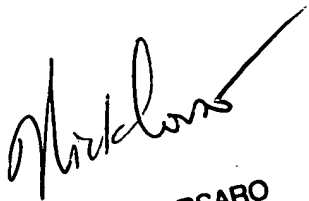
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (571) 272-7856. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RP


NICK CORSARO
PRIMARY EXAMINER

Raymond B. Persino
Examiner
Art Unit 2682

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